IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1039 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/04/2005 in WP NO : 7019 OF 2005 on the file of the High Court.)

Between:

Pramod Agarwal s/o Maniklal Agarwal

Aged about 42 years Sole Proprietor of

Agarwal Foundries, R/o 2-1-113,

Tobacco Bazar, Secunderabad – 500 003.

..... APPELLANT

AND

The Commissioner, Quthballapur Municipality,

Ranga Reddy District.

.....RESPONDENT

Counsel for the Appellant: MR.M.P.CHANDRAMOULI

Counsel for the Respondent: MR.POLISETTY RADHAKRISHNA

The Court made the following:

JUDGMENT: (PER HON'BLE SRI JUSTICE K.C. BHANU)

Challenging the order dated 29.4.2005 passed in Writ Petition No.7019 of 2005, insofar as directing the petitioner/ appellant to furnish immovable property security for the balance amount of Rs.36,446/- towards demand under the distress notice dated 25.3.2005, the present writ appeal is filed.

The learned counsel for the appellant submits that the appellant is ready to furnish the bank guarantee for the balance amount of Rs.36,446/- and ready to pay the amount of Rs.40,000/- as ordered by the learned single Judge. Furnishing of bank guarantee would also meet the ends of justice, inasmuch as, the respondents can as well encash the bank guarantee. Therefore, we do not find any embargo in directing the Writ Appellant to give bank guarantee for the balance amount of Rs.36,446/-.

In view of the above, the condition insofar as furnishing immovable property security for the balance amount of Rs.36,446/- is modified to that of furnishing bank guarantee to that amount and the other conditions in the impugned order are hereby confirmed.

With the above observations, the Writ Appeal is partly allowed. No costs.

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V.ESWARAIAH,J

Date: 24.5.2005

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K.C. BHANU,J

Note: CC tomorrow

B/o

Kvrm/da

To

1. The Commissioner, Quthballapur Municipality,

Ranga Reddy District.

2. Two CD copies.